

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Opoku-Agyemang	Team: Team # 5	CCRB Case #: 201206635	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 04/22/2012 12:00 AM, Sunday, 05/13/2012 2:00 AM, Tuesday, 05/22/2012 12:00 AM	Location of Incident: § 87(2)(b) and § 87(2)(b) 120th Precinct stationhouse	Precinct: 120	18 Mo. SOL 11/13/2013	EO SOL 11/13/2013	
Date/Time CV Reported Tue, 05/15/2012 12:38 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/23/2012 2:30 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Luis Martinez	25637	927143	120 PCT
2. POM Richard Ortiz	17669	928905	120 PCT
3. POM Joseph Centner	29186	945478	120 PCT
4. SGT Bekim Kalicovic	02478	936834	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Ortiz	Abuse: On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Richard Ortiz stopped § 87(2)(b).	
B.POM Joseph Centner	Abuse: On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Joseph Centner stopped § 87(2)(b).	
C.POM Luis Martinez	Abuse: On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez stopped § 87(2)(b).	
D.POM Luis Martinez	Force: On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez struck § 87(2)(b) with a vehicle.	
E.POM Luis Martinez	Force: On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez used physical force against § 87(2)(b).	
F.POM Richard Ortiz	Force: On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Richard Ortiz used physical force against § 87(2)(b).	
G.SGT Bekim Kalicovic	Abuse: On May 22, 2012, at the 120th Precinct stationhouse, Sgt. Bekim Kalicovic did not process § 87(2)(b) complaint regarding officers.	

## Case Summary

On May 15, 2012, § 87(2)(b) contacted IAB by telephone and filed the following complaint, which was subsequently referred to the CCRB on May 23, 2012, via IAB log #12-27127 (Encl. 4A). On May 29, 2012, the CCRB received a written complaint by postal mail from § 87(2)(b) regarding the same incident (Encl. 5A-E). On May 31, 2012, § 87(2)(b) called the CCRB and filed a complaint regarding a separate but related incident (Encl. 6A-B).

At approximately 2:00 a.m. on May 13, 2012, § 87(2)(b) was arrested at § 87(2)(b) and § 87(2)(b) in Staten Island by PO Luis Martinez, PO Richard Ortiz, and PO Joseph Centner of the 120<sup>th</sup> Precinct. At approximately 4:00 p.m. on May 22, 2012, § 87(2)(b) went to the 120<sup>th</sup> Precinct stationhouse to file a complaint regarding the incident on May 13, 2012. The following allegations resulted:

- **Allegation A – Abuse of Authority – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Richard Ortiz stopped § 87(2)(b)**
- **Allegation B – Abuse of Authority – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Joseph Centner stopped § 87(2)(b)**
- **Allegation C – Abuse of Authority – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez stopped § 87(2)(b)**  
§ 87(2)(b), § 87(2)(g)
- **Allegation D – Force – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez struck § 87(2)(b) with a vehicle.**  
§ 87(2)(b), § 87(2)(g)
- **Allegation E – Force – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez used physical force against § 87(2)(b)**
- **Allegation F – Force – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Richard Ortiz used physical force against § 87(2)(b)**  
§ 87(2)(b), § 87(2)(g)
- **Allegation G – Abuse of Authority – On May 22, 2012, at the 120th Precinct stationhouse, Sgt. Bekim Kalicovic did not process § 87(2)(b) complaint regarding officers.**  
§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) All relevant statements and medical records obtained over the course of the investigation were sent to the OCME for review. OCME Consultation # C13-013 was concluded on July 9, 2013 and a report was provided to the CCRB.

## Results of Investigation

### Civilian Statements

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) § 87(2)(b) years old at time of the incident, is a 6'3" tall, 200 pound black male with black hair and brown eyes. At the time of his interview, § 87(2)(b) was § 87(2)(b) and resided at § 87(2)(b) in Staten Island. § 87(2)(b) provided his date of birth to the CCRB as § 87(2)(b).

### Statement to Medical Provider

EMTs responded to § 87(2)(b) at § 87(2)(b) on May 13, 2012, and treated § 87(2)(b) (Encl. 7A). There is no chief complaint noted on the Ambulance Call Report and it is unclear whether the narrative noted in the comments section was provided by § 87(2)(b) or by officers. The narrative notes that § 87(2)(b) was running from police and ran into the officers' vehicle, causing a minor abrasion to his left ankle. § 87(2)(b) was transported to § 87(2)(b). The accounts of the incident provided in the records are noted as having been provided by officers (Encl. 10D). § 87(2)(b) was transported from § 87(2)(b) to the 120<sup>th</sup> Precinct stationhouse. At § 87(2)(b) he was treated again by EMS at the 120<sup>th</sup> Precinct stationhouse and complained of pain in his leg (Encl. 7B).

### CCRB Testimony

On July 11, 2012, § 87(2)(b) was interviewed at the CCRB (Encl. 7D-J). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

At approximately 2:00 a.m. on May 13, 2012, § 87(2)(b) exited his residence at § 87(2)(b) in Staten Island to throw away garbage in a dumpster located on the sidewalk directly in front of the house. § 87(2)(b) walked through the gate in the yard and onto the sidewalk. § 87(2)(b) he observed an unmarked black car with darkly tinted windows, driving slowly along § 87(2)(b) on the side of the street farther away from § 87(2)(b) going from the direction of § 87(2)(b) towards § 87(2)(b). § 87(2)(b) initially stated that he observed the unmarked car as he was exiting the gate, but, upon further questioning, he stated that he had been on the sidewalk for approximately five minutes and had already placed the garbage in the dumpster before he observed the unmarked car. In his telephone statement, § 87(2)(b) stated that he had been inside the front yard, behind the gate, when he first observed the unmarked car. The unmarked car drove past § 87(2)(b) and continued driving. § 87(2)(b) denied having looked into any cars, lifted the door-handles of any cars, or otherwise interact with any cars parked in the street while he was outside. He stated, furthermore, that cars are not allowed to park on the stretch of § 87(2)(b) that passes in front of his house.

When the unmarked car reached § 87(2)(b) it made a U-turn and drove back down § 87(2)(b) back towards § 87(2)(b) at a much faster rate of speed. In his CCRB interview and in his IAB complaint, § 87(2)(b) stated that he was still in front of § 87(2)(b) at this time. In his written statement, he wrote that he had "moved less than two buildings from [his] residence." In his telephone statement, § 87(2)(b) initially stated that he walked "two doors down," but, upon further questioning, stated that he was still "directly in front of [his] house." When asked to reconcile these two differing answers, § 87(2)(b) explained that the two doors he had walked down were multiple units in § 87(2)(b) and that he was still in front of § 87(2)(b) after walking two doors down. § 87(2)(b) remained standing on the sidewalk, about halfway between the street and the buildings, and remained standing still. At some point as it was driving back down § 87(2)(b) § 87(2)(b) was not sure which point or how far it was from him, the unmarked car drove onto the sidewalk and the front driver's side bumper of the car struck § 87(2)(b) on his left leg, causing him to fall down to the ground on his back. The front driver's side tire of the car drove onto his left ankle and then stopped. After approximately two to three minutes on his foot, the unmarked car was driven off § 87(2)(b) foot and back into the street.

Two plainclothes Hispanic male officers, identified via the investigation as PO Luis Martinez and PO Richard Ortiz of the 120<sup>th</sup> Precinct, then exited the unmarked car. PO Martinez exited from front driver's side and

PO Ortiz from the front passenger's side. PO Ortiz turned § 87(2)(b) onto his stomach and handcuffed him. § 87(2)(b) did not move his arms or body or resist in any way when he was being handcuffed. After handcuffing § 87(2)(b) PO Martinez and PO Ortiz punched him a combined four or five times in the back and sides of the head. The officers said nothing to § 87(2)(b) prior to handcuffing and punching him. When they stopped punching § 87(2)(b) PO Martinez held § 87(2)(b)' shirt while PO Ortiz held his left leg and then dragged him from the middle of the sidewalk to the street. When the officers stopped dragging § 87(2)(b) his lower body in the street while his upper body was still on the sidewalk. § 87(2)(b) stomach and face scrapped against the sidewalk as they dragged him. § 87(2)(b) asked the officers, "What did I do?" but they ignored him. § 87(2)(b) yelled repeatedly, "Don't let these people get away with this" and "My leg is broke." At some point a black male, whom § 87(2)(b) did not know, approached the scene. § 87(2)(b) did not see where this individual came from. § 87(2)(b) yelled at him, "Please go get my people, don't let them get away with this." The black male did not respond to § 87(2)(b) or interact with him. This individual was the only civilian § 87(2)(b) saw during this incident. Shortly after this, an ambulance and marked cars arrived at the scene. § 87(2)(b) stated that by the time the ambulance and the other officers arrived, the PO Ortiz and PO Martinez had stopped using force against him. The EMT's placed § 87(2)(b) on a stretcher and he was taken to § 87(2)(b).

At § 87(2)(b) while § 87(2)(b) was handcuffed to a bed, either PO Martinez or PO Ortiz, he was unsure which one, said to him, "You ran into the car," and removed § 87(2)(b) sneakers. § 87(2)(b) was diagnosed with a broken ankle and a cast was placed on his foot. § 87(2)(b) never got back his sneakers and never received a voucher for them. When he was taken to court the following day, he was charged § 87(2)(b). § 87(2)(b) stated that, at no point during this incident, at the scene, at the hospital, or at the stationhouse, did any officer ask him for his identification, name, date of birth, or address. He did not know how the officers obtained the pedigree information listed on his arrest report and criminal court complaint. He stated that no picture was ever taken of him and he was never fingerprinted. He stated that a nurse at the hospital asked him for his name and pedigree information and that he provided them accurately and that no officers were present for this interaction with the nurse.

On May 21, 2012, § 87(2)(b) went to the 120<sup>th</sup> Precinct stationhouse and asked to file a complaint. He was given a Civilian Complaint Report form, which he decided to take home. § 87(2)(b) typed a written account of the incident and on May 22, 2012, at approximately 4:00 p.m., he returned to the 120<sup>th</sup> Precinct stationhouse. § 87(2)(b) spoke with an officer behind the desk, whom § 87(2)(b) described as an approximately 6'2" tall uniformed white male with a slim build and chevrons on his upper arm and who was identified via the investigation as Sgt. Bekim Kalikovic of the 120<sup>th</sup> Precinct. Sgt. Kalicovic took § 87(2)(b) Civilian Complaint Report form and written statement upstairs. Sgt. Kalicovic returned and handed § 87(2)(b) statement back to him and said to him, "We can't take this. It's a lawsuit, not a complaint." § 87(2)(b) asked, "[Aren't] you supposed to turn it in right here?" Sgt. Kalicovic replied, "I'm not accepting this." § 87(2)(b) later mailed the Civilian Complaint form and written statement to the CCRB (Encl. 5A-E).

### **Notice of Claim**

On § 87(2)(b), § 87(2)(b) filed a Notice of Claim against the City of New York (Encl. 7K-L) claiming that, while he was standing at the corner of § 87(2)(b) and § 87(2)(b) an NYPD vehicle, made an illegal U-turn, mounted the curb, and struck him. He suffered a fractured right ankle.

### **Witness: AN INDIVIDUAL**

- *Unidentified female*

### **911 Call Recording (SPRINT # § 87(2)(b))**

At 1:56 a.m. on May 13, 2012, an anonymous female called 911 (Encl. 8A) and reported that there was an individual in front her residence at § 87(2)(b) between § 87(2)(b) and § 87(2)(b), screaming. The female caller stated that she could not tell whether anyone was injured. She stated that unidentified individuals were “coming at” the individual from “around the block.” She further stated, “He’s screaming and they look like they’re harassing him. But I can’t really tell but he’s screaming in pain. Somebody needs to come and check it out.” She stated that she could hear the individual and could see him lying on the ground. The 911 operator then transferred the 911 caller to the FDNY dispatcher. The caller informed the FDNY dispatcher, “There is someone on the sidewalk in front of my house screaming that someone ran over him with a car and it seems like he’s being harassed. I think the police need to come. It looks like it is more of a violent situation than just an injury.” (The SPRINT printout (Encl. 12A), while generally consistent with what the 911 caller stated in the recording, inaccurately suggests that the 911 caller indicated that she observed the individual being run over by a vehicle. As noted above, in the actual recording, the 911 caller reports this in quoting what the individual is screaming, not as a direct observation).

The 911 caller provided her telephone number to the dispatcher. On July 25, 2012, the CCRB called the telephone number. A female responded, acknowledged having been the 911 caller on May 13, 2012, but refused to provide her name or a statement for the investigation.

### **Attempts to Contact Civilians**

§ 87(2)(b) stated that he saw a black male, whom did not know, approach the scene and speak with the officers during this incident. Without a name or any other identifying information, the CCRB was unable to identify and obtain a statement from this individual.

### **NYPD Statement(s):**

#### **Subject Officer: PO LUIS MARTINEZ**

- PO Martinez, § 87(2)(b) years old at the time of the incident, is a 5’9” tall, 195-pound Hispanic male with black hair and brown eyes.
- PO Martinez worked from 10:00 p.m. on May 12, 2012 to 6:35 a.m. on May 13, 2012. He was in plainclothes and assigned to a 120<sup>th</sup> Precinct anti-crime team with PO Centner and PO Ortiz in unmarked car # § 87(2)(b).

#### **Memo Book**

PO Martinez’s memo book entries from May 13, 2012 (Encl. 9S-U), note that at approximately 2:36 a.m., § 87(2)(b) was arrested at § 87(2)(b) and § 87(2)(b). § 87(2)(b) gave a false date of birth to prevent his true identity from being determined. At 2:48 a.m., § 87(2)(b) was brought to the hospital to receive medical attention for a twisted ankle he received when hitting the RMP with his body.

### **Complaint Report**

#### **Arrest Report**

#### **Criminal Court Complaint**

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) They note that § 87(2)(b) was observed attempting to enter a vehicle without permission or authority. When officers attempted to question him, § 87(2)(b) fled. After a foot pursuit, he was apprehended by PO Martinez. He was then advised that if he provided false information he could be arrested. He proceeded to provide a false date of birth to PO Martinez. The Criminal Court Complaint adds that § 87(2)(b) was observed lifting the door handles of multiple vehicles and that he provided his date of birth to officers at the scene as § 87(2)(b), and to staff at § 87(2)(b) as § 87(2)(b), and provided his name at both locations as § 87(2)(b).

§ 87(2)(b). However, a review of § 87(2)(b) records with the State provided his correct name as § 87(2)(b) and his date of birth as § 87(2)(b). His date of birth is listed on his arrest report as § 87(2)(b). His arrest location is listed as § 87(2)(b) and § 87(2)(b) § 87(2)(b), § 87(2)(a) 160.50 § 87(2)(b), § 87(2)(a) 160.50.

### Voucher

The voucher filed by PO Martinez for § 87(2)(b) arrest (Encl. 9AA-BB) lists a cell phone, a cell phone battery, a cell phone cover, and a set of keys. These items were returned to § 87(2)(b) on § 87(2)(b).

### CCRB Testimony

On March 28, 2013, PO Martinez was interviewed at the CCRB (Encl. 9CC-FF). At approximately 2:00 a.m. on May 13, 2012, PO Martinez, PO Ortiz and PO Centner were driving eastbound on § 87(2)(b). PO Martinez was the driver but did not recall which of his two partners was sitting beside him and who was sitting in the rear. As they approached the intersection of § 87(2)(b) and § 87(2)(b) PO Martinez glanced to the left and observed a black male, whom they later identified as § 87(2)(b) walking southbound along § 87(2)(b) towards the intersection with of § 87(2)(b). There were cars parked along the § 87(2)(b) and § 87(2)(b) was walking at the edge of the sidewalk, extremely closely to the parked cars. § 87(2)(b) closeness to the parked cars caught PO Martinez's attention so he stopped his car at the intersection and observed § 87(2)(b). As § 87(2)(b) walked past each car, he would "flip" the door-handle on one of its doors, seemingly attempting to open the door. PO Martinez had clear line of sight to § 87(2)(b) and observed § 87(2)(b) do this to at least two cars. When he reached the northwest corner of § 87(2)(b) and § 87(2)(b) § 87(2)(b) made a right turn and began walking westbound along § 87(2)(b) towards the intersection of § 87(2)(b) and § 87(2)(b).

PO Martinez stated that the general area where this incident occurred had a high incidence of car burglaries arising from owners forgetting to lock their vehicle doors, resulting in the pilfering of personal belonging. They were, however, at this time, not responding to a specific call or patrolling specifically for this crime. PO Martinez suspected that § 87(2)(b) may have been attempting to find an open door in order to burglarize a car and decided to stop § 87(2)(b) to ask him why he was "going through doors." PO Martinez either reversed or made a U-turn, he did not recall which, and pulled up beside § 87(2)(b) as he was walking along § 87(2)(b). PO Martinez had observed § 87(2)(b) for approximately two to three minutes. PO Martinez denied having driven onto the sidewalk or having made contact with § 87(2)(b) with his vehicle as he pulled up beside him. As PO Martinez pulled up beside § 87(2)(b) either PO Ortiz or PO Centner, whichever one was sitting in the front passenger seat, said to § 87(2)(b), "Do me a favor, come over here, let me talk to you." § 87(2)(b) immediately took off running. § 87(2)(b) ran down § 87(2)(b) and then into a dark alleyway between § 87(2)(b) and the building to the right of § 87(2)(b) approximately 125 feet east of the intersection of § 87(2)(b) and § 87(2)(b). PO Ortiz and PO Centner exited the car and chased § 87(2)(b) into the alleyway. (During the interview, PO Martinez viewed a map of the area diagrammed the path that § 87(2)(b) took as he ran (Encl. 7FF)).

PO Martinez saw § 87(2)(b) exit back onto the sidewalk out of an alleyway exit beside § 87(2)(b) approximately 50 feet east of the intersection of § 87(2)(b) and § 87(2)(b) and continue running towards the corner of § 87(2)(b) and § 87(2)(b). PO Martinez drove down § 87(2)(b) past § 87(2)(b) and made a right turn onto § 87(2)(b) and parked his vehicle in the middle of the street. (PO Martinez also diagrammed the approximate location where he parked his unmarked car on § 87(2)(b) approximately 50 feet north of the intersection § 87(2)(b) and § 87(2)(b) in front of the driveway between § 87(2)(b) and § 87(2)(b). PO Martinez stated that he did this so that, when § 87(2)(b) reached the intersection, he would be able to see which direction

§ 87(2)(b) would go and be able to follow him. However, when § 87(2)(b) reached the intersection of § 87(2)(b) and § 87(2)(b) he ran into the street and towards PO Martinez's parked car. When he saw § 87(2)(b) PO Martinez was in the process of exiting his car, with both feet on the ground but his body still inside the car, and said to § 87(2)(b) "Police, don't move." At this point, § 87(2)(b) still running in the direction of the unmarked, appeared to trip and fall against the right side of PO Martinez's car. PO Martinez believed that this trip caused § 87(2)(b) to "twist" his ankle. § 87(2)(b) body rolled over the hood of the car and landed on his side on the ground, in front of the car.

PO Martinez approached § 87(2)(b) and rolled him into a face-down position so that he could rear-cuff him. § 87(2)(b) however, held his hands underneath his body and would not release them. PO Martinez repeatedly told § 87(2)(b) to give him his hands but § 87(2)(b) did not comply. PO Martinez then "nudged" § 87(2)(b) shoulder with an open hand, allowing him to gain control of one of § 87(2)(b) arms. Once he gained control of § 87(2)(b) one arm, § 87(2)(b) voluntarily released his other arm and PO Martinez was able to cuff him. During this struggle to handcuff § 87(2)(b) PO Martinez did not see his partners and stated that he handcuffed § 87(2)(b) by himself without any assistance from PO Centner or PO Ortiz. While PO Martinez was attempting to handcuff § 87(2)(b), § 87(2)(b) repeatedly stated, "What did I do? Why are you stopping me? I didn't do anything." PO Martinez replied, "I just wanted to talk to you. There was no reason for you to run." PO Martinez denied that he or his partners ever punched or dragged § 87(2)(b) during this incident. After § 87(2)(b) was handcuffed, he began alleging that PO Martinez had struck him with his car and that he had pain in his foot. PO Martinez denied that he struck or ran over § 87(2)(b) with his car or that the car was in motion when § 87(2)(b) made contact with it. PO Martinez stated that the car parked was in the street when § 87(2)(b) ran into it. He denied that the tire of his car was ever on top of § 87(2)(b) foot or ankle. PO Martinez did not see any other civilians in the vicinity during this incident and did not interact with any civilians beside § 87(2)(b).

PO Martinez stated that, at the time he handcuffed § 87(2)(b) he was not considered under arrest. He was being detained because he had run when PO Martinez had attempted to stop him to investigate his flipping the door handles. PO Martinez asked him for his name and date of birth in order to identify him. § 87(2)(b) gave him as name as § 87(2)(b) and a date of birth, which PO Martinez could not specifically recall at the time of his interview. When EMS arrived, the EMTs also requested § 87(2)(b) § 87(2)(b)' name and date of birth. § 87(2)(b) gave them his name in reverse order of what he had given to PO Martinez and a different date of birth. At this time, PO Martinez told § 87(2)(b) "You have to tell me the truth...I am advising you that you have to give me your correct name." EMS transported § 87(2)(b) to § 87(2)(b). PO Martinez escorted them. At the hospital, the hospital staff requested § 87(2)(b) pedigree information and he again gave his name differently and a different date of birth. PO Martinez decided, at this time, to arrest § 87(2)(b) § 87(2)(b). PO Martinez had no recollections of interacting with § 87(2)(b) footwear. PO Martinez has not seen § 87(2)(b) since the incident on May 13, 2012.

**Subject Officer: PO RICHARD ORTIZ**

- PO Ortiz, § 87(2)(b) years old at the time of the incident, is a 5'6" tall, 192-pound Hispanic male with black hair and brown eyes.
- PO Ortiz worked from 10:00 p.m. on May 12, 2012 to 6:05 a.m. on May 13, 2012. He was in plainclothes and assigned to a 120<sup>th</sup> Precinct anti-crime team with PO Martinez in unmarked car # § 87(2)(b).

**Memo Book**

PO Ortiz's memo book entries for May 13, 2012 (Encl. 9A-C), note that at approximately 2:36 a.m. PO Martinez arrested § 87(2)(b) at the corner of § 87(2)(b) and § 87(2)(b) § 87(2)(b).

fled from officers after they identified themselves as trying to conduct an investigation. § 87(2)(b) fled through an open gate leading to a dark area behind a building. PO Ortiz lost sight of § 87(2)(b) while giving chase. § 87(2)(b) went around the building and back onto the street. When PO Ortiz arrived at the corner of § 87(2)(b) and § 87(2)(b), § 87(2)(b) was in custody. § 87(2)(b) was transported to § 87(2)(b) by EMS. At § 87(2)(b), PO Ortiz arrived at § 87(2)(b). At § 87(2)(b), § 87(2)(b) was transported back to the 120 Precinct stationhouse, arriving at § 87(2)(b).

### **CCRB Testimony**

On January 24, 2013, PO Ortiz was interviewed at the CCRB (Encl. 9D-G). PO Ortiz was the front passenger in the unmarked car driven by PO Martinez. As they were driving along § 87(2)(b), PO Martinez informed PO Ortiz that he had observed a male “taking car handles” and then made a sharp u-turn. PO Ortiz mentioned that this area has a high incidence of auto larcenies. PO Ortiz did not observe § 87(2)(b) before PO Martinez made the u-turn. Once the u-turn was made, PO Ortiz saw § 87(2)(b) standing on the sidewalk beside an open gate in the middle of the block along § 87(2)(b) between § 87(2)(b) and § 87(2)(b). There were several cars parked along the street in front of § 87(2)(b) location but PO Ortiz did not observe § 87(2)(b) touch any of the vehicles.

PO Martinez pulled the unmarked vehicle next to § 87(2)(b). PO Martinez did not drive the police vehicle onto the sidewalk and § 87(2)(b) did not step into the street as the vehicle approached. PO Ortiz never observed their vehicle strike or make physical contact with § 87(2)(b). As the passenger, PO Ortiz was closest to § 87(2)(b) and he identified himself to § 87(2)(b) as an officer and displayed his badge. § 87(2)(b) immediately ran. § 87(2)(b) fled in the direction of the open gate, away from the street, and ran into a dark area beside the building. PO Ortiz exited his vehicle and gave chase on foot. PO Ortiz followed § 87(2)(b) into the dark area along the same path as § 87(2)(b). PO Ortiz was unable to estimate how far behind § 87(2)(b) he was, but mentioned that “given that it was dark, I wasn’t going to rush it, because I’m not going to go around a corner and get myself killed without observing what’s around the corner.” PO Ortiz lost sight of § 87(2)(b) when he rounded a corner to the rear of the building. PO Ortiz ran through the rear of the building and returned to the street via an open gate on the other side of the building. PO Ortiz did not see § 87(2)(b) when he exited back onto § 87(2)(b) and did not regain sight of him until he got to the corner of Castleton and § 87(2)(b) where he observed PO Martinez on top of § 87(2)(b) attempting to handcuff him. PO Ortiz did not see how PO Martinez and § 87(2)(b) came to be on the ground. PO Ortiz did not recall whether PO Martinez and § 87(2)(b) were on the sidewalk or on the street, or if § 87(2)(b) was face-up or face-down on the ground. PO Ortiz recalled that § 87(2)(b) was “giving my partner a hard time, he was struggling, flailing his arms, not cooperating.” PO Martinez repeatedly told § 87(2)(b) to put his hands behind his back, orders with which § 87(2)(b) failed to comply. PO Ortiz rushed to assist PO Martinez. PO Ortiz forced § 87(2)(b) hands behind his back and handcuffed him. PO Ortiz did not see PO Martinez punch or drag § 87(2)(b) and did not do so himself. PO Ortiz did not observe any other civilians at the scene.

As PO Martinez and PO Ortiz struggled with § 87(2)(b), PO Ortiz observed that their police vehicle was parked nearby. PO Ortiz did not remember where the vehicle was in relation to § 87(2)(b) and could not remember if the vehicle was stopped on the street or on the sidewalk. After § 87(2)(b) was handcuffed, marked cars and EMS arrived at the scene. PO Ortiz could not recall what injuries § 87(2)(b) had suffered. § 87(2)(b) was transported to the hospital, where his foot was placed in a cast. PO Ortiz did not remember if § 87(2)(b) sneakers were removed at any point during the incident, but stated that it would have been procedure for medical staff to have removed it. PO Ortiz did not recall becoming aware of § 87(2)(b) specific diagnosis. When informed that § 87(2)(b) was diagnosed with a broken left ankle, PO Ortiz stated that he did not see anything in this incident that would have led to his ankle being broken. PO Ortiz did not recall with what § 87(2)(b) was charged. When informed by investigators that § 87(2)(b) was arrested § 87(2)(b), PO Ortiz stated that he



did not recall what false information § 87(2)(b) provided. PO Ortiz explained that in general “if you ask an individual for their pedigree, on the scene, and it’s written down, by an officer, and if it’s asked again to an officer, EMS, or whatever the case may be, and a different date of birth, just by one digit, multiple times, that’s considered false impersonation...because if you run that person’s information on the computer, you want it to be as accurate as possible, to find out if this person has warrants or not.” PO Ortiz did not recall if at any point during the incident he observed any officer or medical personnel request § 87(2)(b) pedigree information, but was certain it was done.

**Subject Officer: PO JOSEPH CENTNER**

- PO Centner, § 87(2)(b) years old at the time of the incident, is a 6’2” tall, 230-pound white man with brown hair and hazel eyes.
- PO Centner worked from 10:00 p.m. on May 12, 2012 to 6:35 a.m. on May 13, 2012. He was in plainclothes and assigned to a 120<sup>th</sup> Precinct anti-crime team with PO Martinez and PO Ortiz in unmarked car # § 87(2)(b).

**Memo Book**

PO Centner’s memo book entries from May 13, 2012 (Encl. 9M-O), note that at approximately 3:00 a.m. he went to § 87(2)(b) with injured prisoner § 87(2)(b) § 87(2)(b).

**CCRB Testimony**

On March 14, 2013, PO Centner was interviewed at the CCRB (Encl. 9P-R). PO Centner was in the rear seat of the unmarked car driven by PO Martinez. At some point, in the vicinity of the intersection of § 87(2)(b) and § 87(2)(b) PO Martinez slowed down and the car and said, “This guy is trying to get in this car here.” PO Centner’s attention had not been pointed in the direction that PO Martinez indicated and did not turn his attention there until PO Martinez made this statement. Once PO Martinez said this, PO Centner observed § 87(2)(b) standing on the sidewalk along the passenger side of the unmarked car. PO Centner had not observed § 87(2)(b) prior to this point and did not observe him make contact with any vehicles. PO Martinez then displayed his shield to § 87(2)(b). § 87(2)(b) immediately began running into an alleyway, which appeared to also be a driveway, behind him. PO Martinez, PO Ortiz, and PO Centner did not say anything to § 87(2)(b) prior to him running. At no point did PO Centner observe § 87(2)(b) step into the street or see PO Martinez drive onto the sidewalk. PO Centner did not observe the unmarked vehicle make contact with or strike § 87(2)(b).

PO Centner and PO Ortiz exited the vehicle and began chasing § 87(2)(b) into the alleyway. PO Centner described the alleyway as “U”-shaped: going into the block along § 87(2)(b) looping behind a few buildings, and reemerging onto the sidewalk further down § 87(2)(b). The area was dark and PO Centner lost sight of § 87(2)(b) once he ran around the curve in the alley. PO Centner continued to run through the alley for another 30 to 60 seconds until he reached the exit onto the street. Upon exiting the alleyway, he observed § 87(2)(b) on the ground, and PO Martinez placing him in handcuffs. PO Centner did not observe any other civilians on the street at this time. PO Centner did not recall where their unmarked vehicle was in relation to PO Martinez and § 87(2)(b) at this time. PO Centner did not see and did not know how § 87(2)(b) ended up on the ground or how his flight had been stopped. PO Centner ran to where PO Martinez and § 87(2)(b) were to ensure that PO Martinez was all right. § 87(2)(b) was resisting PO Martinez’s attempting to handcuff him “a little bit,” but PO Centner could not recall in what ways § 87(2)(b) was resisting. PO Centner added that § 87(2)(b) was not “cooperating,” but that there was “not really a violent action by either of them, but § 87(2)(b) just didn’t want to be in handcuffs.” After being handcuffed, § 87(2)(b) lay on the ground and stopped resisting. PO Centner did not remember if he or PO Ortiz assisted PO Martinez in handcuffing § 87(2)(b). PO Centner did not see PO Martinez or PO Ortiz strike or drag § 87(2)(b) and did not do so himself.

An ambulance arrived and § 87(2)(b) was taken to § 87(2)(b). PO Centner did not know why § 87(2)(b) was transported to the hospital but presumed that he had complained of an injury to one of the

other officers. PO Centner and PO Ortiz escorted the ambulance to § 87(2)(b). After arriving at the hospital, PO Centner hardly saw § 87(2)(b) as he waited “outside the door.” PO Centner was relieved of duty while at the hospital, and did not recall what the doctors or other medical staff said regarding § 87(2)(b) injuries. PO Centner did not remove any property from § 87(2)(b) including his sneakers, nor did he subsequently see § 87(2)(b) sneakers in police custody. PO Centner had no recollection of requesting § 87(2)(b) pedigree information and name, either on scene or at the hospital, and did not recall hearing medical staff doing so. PO Centner did not know with what § 87(2)(b) was charged. When informed that § 87(2)(b) was charged § 87(2)(b), PO Centner indicated that he did not specifically see or hear anything during this incident that would lead to such a charge.

**Subject Officer: SGT. BEKIM KALICOVIC**

- *Sgt. Kalicovic, § 87(2)(b) years old at the time of the incident, is a 6’3” tall, 220-pound white male with brown hair and brown eyes.*
- *Sgt. Kalicovic worked from 2:50 p.m. on May 22, 2012 to 2:00 a.m. on May 23, 2012. He was in uniformed and assigned as the 120<sup>th</sup> Precinct stationhouse Desk Officer.*

**Memo Book**

Sgt. Kalicovic’s memo book entries for May 22, 2012 (Encl. 9H-J), note that he was assigned to the desk at 2:50 p.m. The only other entry is his end of tour at 2:00 a.m. on May 23, 2012.

**CCRB Testimony**

On February 22, 2013, Sgt. Kalicovic was interviewed at the CCRB (Encl. 9K-L). Sgt. Kalicovic was the desk officer for the 120<sup>th</sup> Precinct stationhouse during his entire tour on May 22, 2012. Sgt. Kalicovic had no recollection of an individual having come to the stationhouse to file a complaint against an officer. He denied having told an individual that their complaint was a lawsuit and could not be filed as a complaint. Sgt. Kalicovic viewed a photograph of § 87(2)(b) and did not recognize him. Sgt. Kalicovic viewed the typed complaint that § 87(2)(b) stated that he had given to the desk sergeant at the 120<sup>th</sup> Precinct stationhouse (Encl. 5A-E) and did not recognize or recall it.

**Officers not Interviewed**

SPRINT § 87(2)(b) (12A) notes that three uniformed units arrived at § 87(2)(b) § 87(2)(b) approximately 15 minutes after the initial 911 call. This is consistent with § 87(2)(b) statement that, by the time additional officers and EMS arrived at the scene, the subject officers were no longer using any force against him. § 87(2)(g)

120<sup>th</sup> Precinct tour three Roll Call (Encl. 12M) lists both Sgt. Kalicovic and Sgt. Brian Crimmins as desk officers. The Command Log (12EE-MM) notes that Sgt. Kalicovic was the desk officer from 2:50 p.m. to 11:00 p.m., except for a 20-minute period from 5:10 p.m. to 5:30 p.m., when Sgt. Bruce Ceparano was at the desk while Sgt. Kalicovic inspected the stationhouse. Sgt. Ceparano’s MOS photo lists him as a 5’9” tall, 215 pound white male with a bald head (12NN). Sgt. Crimmins’ MOS photo lists him as an approximately 5’10” tall, 160 pound white male with brown hair (Encl. 12Z). Neither Sgt. Crimmins nor Sgt. Ceparano fit the description of the sergeant described by § 87(2)(b) while Sgt. Kalicovic, at 6’3” tall and 215 pounds, did.

**Medical Records**

**Hospital/Ambulance Records**

§ 87(2)(b) was initially picked up from the incident location by EMS. The Ambulance Call Report

(Encl. 10A) lists the location as § 87(2)(b) and the time of arrival as § 87(2)(b) on § 87(2)(b). § 87(2)(b) name is listed as § 87(2)(b) and his date of birth is written as § 87(2)(b) but with § 87(2)(b) written over the § 87(2)(b). § 87(2)(b) had a “minor abrasion” to his left ankle and his ankle was splinted and iced. § 87(2)(b) was transported to § 87(2)(b) by EMS from the incident location (Encl. 10B-Q). § 87(2)(b) complained of left ankle pain and mild back pain. Physical examinations and X-Rays revealed that § 87(2)(b) had a non-displaced medial malleolus fracture in his left ankle. § 87(2)(b) was given ibuprofen and his ankle was placed in a cast. He was released into police custody. At § 87(2)(b), EMS responded to the 120<sup>th</sup> Precinct stationhouse (Encl. 10R) and transported § 87(2)(b) to § 87(2)(b) (Encl. 10S-FF) again due to continued pain in his injured ankle. He was given ibuprofen and released into police custody.

On § 87(2)(b), (Encl. 10GG-YY) and § 87(2)(b) (Encl. 10ZZ-QQQ), § 87(2)(b) went to § 87(2)(b) and complained of continued pain. On each occasion, he was given pain medication and discharged. On May 30, 2012, § 87(2)(b) went to § 87(2)(b) and complained of continued pain. He was informed that surgery would be performed on his ankle on that day. § 87(2)(b) left the hospital against medical advice before the surgery could be performed (Encl. 10RRR-XXXXX). On § 87(2)(b), § 87(2)(b) returned to § 87(2)(b) and requested a note for court confirming that he was at § 87(2)(b) on § 87(2)(b). § 87(2)(b) was not seen by a doctor and again left against medical advice (Encl. 10YYYYY-EEEEEE). On § 87(2)(b), (Encl. 10FFFFFF-XXXXXX) § 87(2)(b) went to § 87(2)(b) and complained of continued pain and a loose cast. He was given pain medication and a new cast and was discharged.

#### **Medical Examiner’s Report of Consultation**

On April 12, 2013, a consultation was sought from the OCME. All relevant statements and medical records obtained over the course of the investigation were sent to the OCME for review. Dr. Rachael Girard of the OCME reviewed the records and concluded that, while the injuries sustained by § 87(2)(b) were “consistent with blunt impact injuries,” they were “more consistent with ‘tripping while running’” (Encl. 11A).

#### **NYPD Documents**

##### **SPRINT**

As previously discussed, SPRINT § 87(2)(b) (Encl. 12A) notes that, at 1:56 a.m. on May 13, 2012, an unidentified female called 911 and reported an incident occurring in front of § 87(2)(b). EMS arrived at the location at 2:08 a.m. Sectors D, H, and a patrol sergeant from the 120<sup>th</sup> Precinct arrived at 2:11 a.m. An individual was transported to § 87(2)(b) at § 87(2)(b). An individual was arrested by a 120<sup>th</sup> Precinct anti-crime unit at 2:34 a.m.

##### **Medical Treatment of Prisoner**

The Medical Treatment of Prisoner form filed for § 87(2)(b) injury on § 87(2)(b) (Encl. 12C), notes that he injured his left ankle in regards to a foot pursuit. He was escorted to § 87(2)(b) by PO Ortiz.

##### **Roll Calls**

The 120<sup>th</sup> Precinct tour one Roll Call for May 13, 2012 (Encl. 12G-L), notes that PO Ortiz, PO Centner, and PO Martinez were assigned anti-crime and were together in car § 87(2)(b).

The 120<sup>th</sup> Precinct tour three Roll Call for May 22, 2012 (Encl. 12M-Y), lists Sgt. Crimmins’ assignment as “desk” but the comments section notes “viper.” Sgt. Kalikovic’s assignment is listed as “CPSP.” The comments section initially listed “viper,” but it was crossed out and replaced with “Desk Officer.”

##### **Command Log**

The 120<sup>th</sup> Precinct tour three Command Log for May 22, 2012 (Encl. 12EE-MM), notes that Sgt. Kalikovic

was on the desk at 2:50 p.m. At 5:10 p.m. he left the desk to conduct a stationhouse inspection, returning to the desk at 5:30 p.m. Sgt. Ceparano filled in on the desk from 5:10 p.m. to 5:30 p.m. At 11:00 p.m., he left the desk and went to perform administrative duties.

#### Arrest Photo

§ 87(2)(b) arrest photo (Encl. 7M) does not appear to show any injuries on his face.

#### Other Evidence

##### NYCGovMap Printouts

##### Street View Photographs

Maps and Aerial Photographs of the area around the incident location were obtained from the NYCGovMap website (Encl. 3A-B), and photographs of the area were obtained from Google Maps (Encl. 3C-H).

§ 87(2)(b) is situated on § 87(2)(b) approximately 100 to 150 feet east of the intersection of § 87(2)(b) and § 87(2)(b) and approximately 200 feet west of the intersection of § 87(2)(b) and § 87(2)(b). On its western edge, § 87(2)(b) is attached to § 87(2)(b). There is a yard to the east of § 87(2)(b) and a driveway to the west of § 87(2)(b). The entrance to the yard to the east of § 87(2)(b) is blocked by a gated fence but the driveway to the west of § 87(2)(b) is open. The two openings are connected by a large shared back-yard behind § 87(2)(b) and § 87(2)(b). This is consistent with the officers' description of § 87(2)(b) having run into an alley on § 87(2)(b) and having reemerged onto § 87(2)(b) further down the block (This is a unique feature that does not appear to be repeated with any other set of buildings on the map). Beside the gated fence of § 87(2)(b) are two storefronts which embedded in front of § 87(2)(b). This is consistent with § 87(2)(b) account that, even after walking two doors away from the gate in front of § 87(2)(b) he was still in front of the § 87(2)(b). Between the driveway beside § 87(2)(b) and the intersection of § 87(2)(b) and § 87(2)(b) are three connected buildings, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b). Across § 87(2)(b) on the northwestern corner of the intersection of § 87(2)(b) and § 87(2)(b) is § 87(2)(b). Up § 87(2)(b) behind § 87(2)(b) is a large driveway. On the other side of the driveway is § 87(2)(b) approximately 100 feet from the intersection of § 87(2)(b) and § 87(2)(b). Given the geography of the area, as shown in the various maps and Street View photographs, a person inside or in front of § 87(2)(b) would not be able see something occurring in front of § 87(2)(b) or even in front of § 87(2)(b), § 87(2)(b) or § 87(2)(b) all of which are closer to the intersection of § 87(2)(b) and § 87(2)(b) than § 87(2)(b).

Furthermore, an aerial photograph of the area and the various Street View photographs, all show vehicles parked alongside the northern edge of § 87(2)(b) including directly in front of § 87(2)(b). There are parking meters along this sidewalk, including directly in front of § 87(2)(b) and § 87(2)(g).

#### Summons/Arrest for Incident and Disposition

- § 87(2)(b) [§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### Status of Civil Proceedings

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming personal injuries and seeking five million dollars as redress (Encl. 7K-L). A 50-H hearing was held on

§ 87(2)(b). On July 24, 2013, § 87(2)(b) attorney, § 87(2)(b), agreed to fax a copy of the 50-H transcript to the CCRB. It is currently being awaited.

### Civilian Conviction History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[redacted]
  - [redacted]  
[redacted]
  - [redacted]  
[redacted]
  - [redacted]  
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[redacted]
  - [redacted]  
[redacted]
  - [redacted]  
[redacted]

### Civilian CCRB History

- § 87(2)(b) has filed the following CCRB complaints (Encl. 2E):
  - § 87(2)(b) [redacted]  
[redacted]  
[redacted]

### Subject Officers CCRB History

- PO Luis Martinez has been a member of the service for 12 years and there are no substantiated CCRB allegations against him (Encl. 2A).
- PO Richard Ortiz has been a member of the service for 12 years and there are no substantiated CCRB allegations against him (Encl. 2B).
- PO Joseph Centner has been a member of the service for five years and there are no substantiated CCRB allegations against him (Encl. 2C).
- Sgt. Bekim Kalicovic has been a member of the service for eight years and there are no substantiated CCRB allegations against him (Encl. 2D).

### Conclusion

#### Identification of Subject Officer(s)

- It is undisputed that PO Martinez, PO Ortiz, and PO Centner were the three officers who stopped § 87(2)(b) and that PO Martinez was driving the car they were in. § 87(2)(b) described the two officers who handcuffed and used force against him as two Hispanic officers. The two Hispanic officers in the triumvirate, PO Martinez and PO Ortiz, acknowledged being the two officers who were involved in handcuffing § 87(2)(b) § 87(2)(g) [redacted]  
[redacted]
- § 87(2)(b) stated that he attempted to file his complaint with an approximately 6'2" tall white male sergeant who was behind the main desk inside the 120<sup>th</sup> Precinct stationhouse. Sgt. Kalicovic, a 6'3"

tall white male, acknowledged being the desk sergeant during the time frame that § 87(2)(b) alleged he attempted to file his complaint. § 87(2)(g)

### Allegations not Pleaded

- § 87(2)(b) allegation that officers stole his sneakers is currently being investigated by IAB group 12 as part of IAB case § 87(2)(b) by IAB group 12. As of July 23, 2013, the case remains under investigation.

### Investigative Findings and Recommendations

Allegation A – Abuse of Authority – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Richard Ortiz stopped § 87(2)(b)

Allegation B – Abuse of Authority – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Joseph Centner stopped § 87(2)(b)

Allegation C – Abuse of Authority – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez stopped § 87(2)(b).

§ 87(2)(b) stated in his sworn statement, his IAB complaint, and his telephone statement that he was standing on the sidewalk in front of § 87(2)(b) when an unmarked car drove past him, made a U-turn, mounted the sidewalk and struck him. He denied having touched any cars while he was outside, stating that there were no cars parked in front of his residence because cars were not allowed to park on the stretch of § 87(2)(b) that passed in front of § 87(2)(b). The car remained on § 87(2)(b) foot for approximately 2 to 3 minutes on his foot and was then driven off. Officers then exited the car and handcuffed him.

PO Martinez stated that, as he approached the intersection of § 87(2)(b) and § 87(2)(b) he observed § 87(2)(b) walking along § 87(2)(b) towards the intersection with of § 87(2)(b). § 87(2)(b) was walking at the edge of the sidewalk, extremely closely to the parked cars. § 87(2)(b)'s closeness to the parked cars caught PO Martinez's attention and he observed that, as § 87(2)(b) walked past each car, he would "flip" the door-handle on one of its doors, seemingly attempting to open the door. PO Martinez observed § 87(2)(b) do this to at least two cars. PO Martinez suspected that § 87(2)(b) was attempting to find a car with an unlocked door in order to steal from it. Both PO Martinez and PO Ortiz mentioned that the area had a high incidence of these types of crimes. PO Martinez made a U-turn and then pulled up beside § 87(2)(b) on § 87(2)(b). PO Ortiz and PO Centner both stated that, as they were traveling along § 87(2)(b), PO Martinez drew their attention to § 87(2)(b) and mentioned that he had been "taking car handles" or trying to get into a car. Both officers did not see § 87(2)(b) make contact with any cars but both also stated that they had not seen him until PO Martinez drew their attention to him.

§ 87(2)(b), § 87(2)(g)

PO Martinez stated that, as he pulled up to § 87(2)(b) either PO Ortiz or PO Centner asked § 87(2)(b) to come over so that they could speak to him. PO Ortiz stated that, when they pulled up to § 87(2)(b) he showed his badge and identified himself as a police officer. PO Centner stated that, when they pulled up to § 87(2)(b) PO Martinez showed his badge to § 87(2)(b) without saying anything. All three officers stated that, following this initial action, § 87(2)(b) took off running. He ran into an opening between two buildings. PO Ortiz and PO Centner exited the car and gave chase into the opening but lost track of him once he made a turn behind the buildings. PO Ortiz and PO Centner followed the path of what appeared to be an alleyway and reemerged from another entrance further down § 87(2)(b). PO Martinez stated that, shortly after PO Centner and PO Ortiz chased § 87(2)(b)



§ 87(2)(b), § 87(2)(g)

In order for a stop to be justified, an officer must have a reasonable suspicion that a person is committing, has committed or is about to commit a crime. People v. DeBour, 40 N.Y. 2d 210 (1976) (Encl. 1A-K). Pursuit of a fleeing individual by an officer requires that the officer have the same level of suspicion as a stop. People v. Murrell, 859 N.Y.S.2d 897 (2008) (Encl. 1L-O).

§ 87(2)(b), § 87(2)(g)

**Allegation D – Force – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez struck § 87(2)(b) with a vehicle.**

It is undisputed that § 87(2)(b) sustained a fracture in his ankle during this incident. He alleged that it occurred because, as he was standing in front of his house, PO Martinez drove a vehicle onto the sidewalk, struck him with it, drove the tire onto his foot, and left it on his foot for approximately two to three minutes. PO Martinez stated that he believed that it occurred when § 87(2)(b) tripped and fell while running from PO Ortiz and PO Centner.

§ 87(2)(b), § 87(2)(g)



Furthermore, all of the statements and medical records obtained during this investigation were sent to the OMCE for review. After the review, the OMCE concluded that, while § 87(2)(b) injuries were consistent with blunt force trauma, they were more consistent with injuries caused by “tripping while running.” § 87(2)(b), § 87(2)(g)

**Allegation E – Force – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Luis Martinez used physical force against § 87(2)(b)**

**Allegation F – Force – On May 13, 2012, at § 87(2)(b) and § 87(2)(b) in Staten Island, PO Richard Ortiz used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that, while handcuffing him, and after handcuffing him, PO Martinez and PO Ortiz punched him several times in the head. All three officers stated that, while on the ground, § 87(2)(b) resisted, though not violently, by refusing to give his hands to be handcuffed. PO Martinez stated that he “nudged” him on the shoulder with the palm of his hand but denied that he punched him. PO Ortiz also denied having punched § 87(2)(b) and PO Centner did not see either PO Martinez or PO Ortiz punch § 87(2)(b). The 911 caller reported that the group of individuals identified by the investigation to be the officers were “harassing” the individual identified via the investigation as § 87(2)(b), § 87(2)(b), § 87(2)(b).

**Allegation G – Abuse of Authority – On May 22, 2012, at the 120th Precinct stationhouse, Sgt. Bekim Kalicovic did not process § 87(2)(b) complaint regarding officers.**

§ 87(2)(b) stated that he went to the 120<sup>th</sup> Precinct stationhouse and handed a written complaint to Sgt. Kalicovic. Sgt. Kalicovic took the written complaint and, approximately 2 hours later, informed him that his written statement was a lawsuit and not a complaint and could not be taken at the stationhouse. Sgt. Kalicovic had no recollections of this incident. § 87(2)(b), § 87(2)(g)

Team: 5

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date